

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**JESSE BONER,**

**Petitioner,**

**v.**

**Civil Action No. 3:21cv580**

**UNKNOWN,**

**Respondent.**

**MEMORANDUM OPINION**

By Memorandum Order entered on October 4, 2021, the Court conditionally docketed this action. (ECF No. 7.) At that time, the Court warned Petitioner that he must keep the Court informed as to his current address “in the event that he is transferred, released or otherwise relocated while the action is pending.” (*Id.* 3.) By Memorandum Order entered on November 24, 2021, the Court provided Petitioner with a second opportunity to submit an *in forma pauperis* affidavit and a consent to collection of fees form. (ECF No. 24.) On December 15, 2021, the United States Postal Service returned the November 24, 2021 Memorandum Order to the Court marked, “RETURN TO SENDER” and “UNABLE TO FORWARD.” (ECF No. 25, at 1.) Since that date, Petitioner has not contacted the Court to provide a current address. Petitioner’s failure to contact the Court and provide a current address indicates his lack of interest in litigating this action. *See* Fed. R. Civ. P. 41(b).<sup>1</sup> Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

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<sup>1</sup> This Rule allows for dismissal of an action “[i]f the plaintiff fails to prosecute or to comply with [the Federal Rules of Civil procedure] or a court order.” Fed. R. Civ. P. 41(b).

An appropriate Order shall accompany this Memorandum Opinion.

Date: 1-13-2022  
Richmond, Virginia

  
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M. Hannah Hauck  
United States District Judge